

TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #06-88(E)

DIGEST

Temporarily amends 312 IAC 18-3 to regulate Brazilian Elodea (*Egeria densa*) as a pest or pathogen.

SECTION 1. (a) Brazilian elodea (*Egeria densa*) is an exotic plant that has infested lakes, rivers and other waterways in Indiana.

(b) Brazilian elodea is a pest or pathogen regulated under this document. This regulation applies to any life stage of Brazilian elodea.

(c) Except as provided in subsection (e), in Indiana a person must not:

- (1) Possess, sell, offer for sale, gift, barter, exchange or distribute Brazilian elodea as an outdoor water plant.**
- (2) Allow Brazilian elodea to infest any:**
 - (A) lake;**
 - (B) river;**
 - (C) pond;**
 - (D) outdoor watergarden; or,**
 - (E) waterway,**
- (3) Transport Brazilian elodea on or within any:**
 - (A) boat;**
 - (B) trailer;**
 - (C) motor vehicle;**
 - (D) bait bucket;**
 - (E) fishing gear;**
 - (F) creel;**
 - (G) tackle;**
 - (H) tackle box; or**
 - (I) other aquatic appurtenance.**

(d) A property owner who has Brazilian elodea in an outdoor environment must take lawful efforts to eliminate the species.

(e) Exempted from this document are the following:

- (1) A retail or wholesale business that sells Brazilian elodea for use within an indoor aquarium.**
- (2) A person who possesses Brazilian elodea within an indoor aquarium.**
- (3) A person who possesses Brazilian elodea under a permit issued by the state entomologist for scientific research, a contained use, or education.**
- (4) A person engaged in a project approved by the state entomologist for the destruction of Brazilian elodea.**

(f) The state entomologist may issue a permit to a qualified applicant to engage in scientific research, a contained use, or education. If appropriate to the purposes of this document, the state entomologist may issue an order to modify a permit issued under this subsection.